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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/23/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,015

Applicant(s)

ELBERSE ET AL.

Examiner

Arrienne M. Lezak

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 2

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, Examiner finds the use of the terms web-entity and web-browser to be confusing. Wherein Applicant has named a first web-entity and a second web-entity, Examiner suggests the following wording when referring to the web-browser of the first web-entity:

"the web-browser at the first web-entity"

Thus, for example, Claim 1. (ii) would be amended to read:

"forwarding an address of the second web-entity to the redirection server from the web-browser at the first web-entity such that the redirection server redirects the web-browser at the first web-entity to the second web-entity; and"

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,870,546 to Kirsch.

5. Regarding Claims 10, 12, 15 and 18, Kirsch discloses a method, system, apparatus and computer program for using a web-browser to pass information from a first web-entity a second web-entity, (Abstract), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with additional information, from the first web-entity at the web-browser, (Col. 11, lines 24-35);
- forwarding an address of the second web-entity to the redirection server from the web-browser such that the redirection server redirects the web-browser to the second web-entity, (Col. 11, lines 24-42); and
- passing the additional information from the web-browser to the second web-entity, (Col. 11, lines 24-42).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10, 12, 15 and 18.

6. Regarding Claims 13, 14 and 17, Kirsch further discloses a communication network web-based information system, (per pending Claim 13), with at least one redirection server, (per pending Claim 14), wherein a web-entity is a web-server arranged to redirect the web-browser, (per pending Claim 17), (Col. 5, lines 25-67 and Col. 6, lines 1-10). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 13, 14 and 17.

7. Regarding Claim 16, Kirsch discloses a method wherein the address of the second web-entity is forwarded to the re-direction server in a cookie from the web-browser, (per pending Claim 16), (Col. 5, lines 25-67; Col. 6, lines 1-10; Col. 12, lines

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19-64). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claim 16.

8. Regarding Claims 19 and 20, Kirsch discloses a method wherein cookies are generated for each of an information receiver, and a redirection server, said method comprising accessing the information receiver using the web-browser; and automatically redirecting the web-browser to the redirection server, (per pending Claim 19); and automatically redirecting the web-browser to one or more additional redirection servers, (per pending Claim 20), (Col. 5, lines 25-67; Col. 6, lines 1-10; Col. 12, lines 19-64). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 19 and 20.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,870,546 to Kirsch in view of US Patent 6,070,191 to Narendran.

11. Regarding Claim 1, Kirsch discloses a method, system, apparatus and computer program for using a web-browser to pass information from a first web-entity a second web-entity, (Abstract), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with additional information, from the first web-entity at the web-browser, (Col. 11, lines 24-35);
- forwarding an address of the second web-entity to the redirection server from the web-browser such that the redirection server redirects the web-browser to the second web-entity, (Col. 11, lines 24-42); and
- passing the additional information from the web-browser to the second web-entity, (Col. 11, lines 24-42).

12. Though Kirsch does teach the passing of information from a first web-entity to a second web-entity, Kirsch does not specifically teach the passing of information from a first web-entity to a plurality of second web-entities.

13. Narendran discloses the passing of information from a first web-entity to a plurality of second web-entities, (Abstract and Col. 16, lines 48-59).

14. To incorporate the ability to pass information from a first web-entity to a plurality of second web-entities into the Kirsch invention would have been obvious to one of ordinary skill in the art at the time of invention by Applicant, as noted within the very nature of a redirection server. In particular, the ability to redirect information using a server allows one to forward information, as needed, to a resource capable of performing a given operation on said information. It would be obvious, (in light of the ability to redirect one set of information, as noted within Kirsch), to redirect numerous sets of information as user needs require.

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15. Examiner further notes that the Narendran invention specifies the redirection of information to document servers, however, Examiner believes the incorporation of other databases maintaining telephone and television program information would also have been obvious in light of the teaching of a document database generally. In other words, the nature of the database is non-determinative of Applicant's invention and thus the substitution of Applicant specified database information into an invention disclosing a database property is obvious and thus, not novel. Therefore, Claim 1 is considered unpatentable over the combined teachings of Kirsch in view of Narendran.

16. Regarding Claims 2 and 3, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a communication network web-based information system, (per pending Claim 2); wherein a web-entity is a web-server arranged to redirect the web-browser, (per pending Claim 3), (Col. 5, lines 25-67 and Col. 6, lines 1-10). Therefore, Claims 2 and 3 are unpatentable over the combined teachings of Kirsch in view of Narendran.

17. Regarding Claim 4, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein the first web-entity does not require access to information about the location of the second web-entity, (Col. 5, lines 25-67 and Col. 6, lines 1-10). Therefore, Claim 4 is also unpatentable over the combined teachings of Kirsch in view of Narendran.

18. Regarding Claims 5-7, 9 and 11, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein additional information and the address of the second web-entity is forwarded to the redirection

server, (per pending Claim 5); wherein additional information comprises a telephone number and the second web-entity is a node in a telecommunications network, (per pending Claims 6 and 11); wherein the additional information comprises television program information and the second web-entity is a video recorder, (per pending Claim 7); and wherein said additional information comprises instructions for an action to be performed at the second web-entity, (per pending Claim 9), (Col. 6, lines 36-67 and Col. 7, lines 1-57).

19. As noted herein above, Examiner finds the use of particular-type database information, such as but not limited to: telephone number lists, television program information, and any and all instruction for performance of further actions, to be obvious in light Kirsch. Examiner further finds that the same argument may be made concerning network type, as applied to Applicant's invention. In other words, the use of a telecommunications network would have been obvious in light of the communications network disclosed in Kirsch. Moreover, Kirsch discloses the redirection of data generally, which data encompasses those types specified by Applicant. Therefore, Claims 5-7, 9 and 11 are found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

20. Regarding Claim 8, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein the address of the second web-entity is forwarded to the re-direction server in a cookie from the web-browser, (per pending Claim 8), (Col. 5, lines 25-67; Col. 6, lines 1-10; Col. 12, lines 19-

64). Therefore, Claim 8 is also found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

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